

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE CITY OF PHILADELPHIA,

Plaintiff,

v.

**JEFF SESSIONS, in his official capacity as
Attorney General of the United States,**

Defendant.

Case No. 2:17-cv-03894-MMB

**UNOPPOSED MOTION TO STAY IMMINENT DEADLINES
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Defendant hereby moves for a stay of certain upcoming deadlines in the above-captioned case: the Jan. 23, 2018 deadline to respond to the amended complaint, the Jan. 24, 2018 pretrial conference, and the requirement to confer regarding objections to discovery prior to the pretrial conference. *See* Dec. 22, 2017 Pretrial Scheduling Order ¶¶ 3-5 (Dkt No. 83). Per the attached certification, this motion is unopposed.

1. At midnight on January 19, 2018, the continuing resolution that had been funding the U.S. Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation or continuing resolution, Department of Justice attorneys and employees are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department therefore requests a stay of certain upcoming deadlines in this matter until Congress has restored appropriations to the Department. In particular, a stay is requested at this time with respect to:

- the requirement that Defendant shall respond to the amended complaint by January 23, 2018, *see* Dec. 22, 2017 Pretrial Scheduling Order ¶ 4;¹
- the setting of a pretrial conference on January 24, 2018 at 10:00 a.m. to discuss discovery and any other pretrial matters, *see id.* ¶ 3; and
- the requirement that counsel discuss and attempt to resolve objections to discovery prior to the pretrial conference, *see id.* ¶ 5.²

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department or enacted another continuing resolution. Defendant requests that, at that point, all the above-discussed deadlines be extended commensurate with the duration of the lapse in appropriations.³

Therefore, with great regret for any disruption caused to the Court and Plaintiff, Defendant hereby moves for a stay of the above-discussed deadlines in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions. A proposed Order is submitted herewith for the Court's consideration.

DATED: January 22, 2018

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

LOUIS D. LAPPEN

¹ Defendant on January 19, 2018 filed an unopposed motion to extend the deadline to respond to the amended complaint to February 2, 2018. *See* Dkt. No. 92. As of this filing, the Court has not ruled on that motion.

² Defendant is not seeking relief from the January 22, 2018 deadline for responses and objections to discovery requests. *See* Dec. 22, 2017 Pretrial Scheduling Order ¶ 2.

³ Defendant respectfully requests that the Court grant the previously-filed, unopposed motion to extend the deadline to respond to the amended complaint to February 2, 2018, *see* Dkt. No. 92, and, pursuant to this stay motion, further stay the February 2 deadline commensurate with the duration of the lapse in appropriations.

Acting United States Attorney

JOHN R. TYLER

Assistant Director

/s/ Arjun Garg

ARJUN GARG

Trial Attorney

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Counsel for Defendant

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(b)

I hereby certify that on January 22, 2018, I communicated with counsel for Plaintiff, and confirmed that the foregoing motion is uncontested.

/s/ Arjun Garg
ARJUN GARG
Counsel for Defendant

CERTIFICATE OF SERVICE

I, Arjun Garg, hereby certify that on January 22, 2018 I electronically filed the foregoing document using the Court's CM/ECF system, causing a notice of filing to be served upon all counsel of record.

/s/ Arjun Garg
ARJUN GARG